1 SETH D. BALLSTAEDT, ESQ. Nevada Bar No.: 11516 ETHAN FEATHERSTONE, ESQ. Nevada Bar No.: 11566 3 BALLSTAEDT LAW FIRM 4 9555 S. Eastern Ave, Ste 285 Las Vegas, Nevada 89123 5 Phone: (702) 715-0000 Fax: (702) 666-8215 6 help@ballstaedtlaw.com 7 Attorney for Plaintiff 8 UNITED STATES DISTRICT COURT **DISTRICT OF NEVADA** 9 10 TIFFANY MARKLEY, 11 Plaintiff, 12 Case No.: 2:19-cv-02025-GMN-VCF 13 v. 14 GLEESON & ASSOCIATES, 15 LLC., 16 Defendant. 17 18 **DECLARATION OF TIFFANY MARKLEY IN** SUPPORT OF MOTION FOR FINAL DEFAULT JUDGMENT 19 I, TIFFANY MARKLEY, being duly sworn, hereby declare under penalty of perjury 20 21 pursuant to the provisions of 28 U.S.C. § 1746 that the following is true and correct: 22 1. I am over eighteen (18) years old, a resident of Clark County, Nevada, and make 23 this declaration based on personal knowledge. 24 2. I am a natural person. 25 3. I own, and at all times material times have owned, the cellular telephone number 26 27 ending in 0056. 28 PLAINTIFF'S DELARATION IN SUPPORT OF MOTION FOR FINAL DEFAULT JUDGMENT - 1

- 4. In October of 2019, Defendant Gleeson & Associates, LLC started calling my Cellular Telephone.
- 5. Defendant Gleeson & Associates, LLC represented that it was calling my Cellular Telephone to collect an old, alleged debt I had incurred from obtaining a bail bond loan from Bail Hotline Bail Bonds, Inc. for a friend.
- 6. In October of 2019, I spoke with Defendant Gleeson & Associates, LLC and notified Defendant Gleeson & Associates, LLC that I was filing for Chapter 7 bankruptcy relief.
- 7. In October of 2019, I requested that Defendant Gleeson & Associates, LLC stop calling my Cellular Telephone and asked that they contact my lawyer instead.
- 8. In October of 2019, I provided Defendant Gleeson & Associates, LLC with my attorney's name and contact information.
- 9. In response to my notification to Defendant Gleeson & Associates, LLC, Defendant Gleeson & Associates, LLC stated "it does not matter if you are filing bankruptcy, I will wait until the bankruptcy is discharged, put a lien on your bank account, and sue you."
- 10. Defendant Gleeson & Associates, LLC also represented to me that it was an attorney in attempts to collect the alleged debt and that legal proceedings would be filed against me. *See* Exhibit "A."
- 11. After my notification to Defendant Gleeson & Associates, LLC that I was represented by an attorney and that I did not permit Defendant Gleeson & Associates, LLC to all my Cellular Telephone, Defendant Gleeson & Associates, LLC continued to place calls to my Cellular Telephone.

- 12. Defendant Gleeson & Associates, LLC called my Cellular Telephone form several different telephone numbers, including, but not limited to: 866-602-2187. *See* Exhibit "B."
- 13. Defendant Gleeson & Associates, LLC has called my Cellular Telephone at least ten (10) times since October 2019.
- 14. All of Defendant Gleeson & Associates, LLC's calls to my Cellular Telephone were placed in an attempt to collect the alleged Debt.
- 15. When I answered one of Defendant Gleeson & Associates, LLC's calls to my Cellular Telephone, I hear a pause on my Cellular Telephone before a representative of Defendant Gleeson & Associates, LLC came on the line.
- 16. Based on the foregoing, I know that the calls Defendant Gleeson & Associates, LLC placed to my Cellular Telephone were "robo calls" initiated by means of an Automatic Telephone Dialing System ("ATDS").
- 17. Further, some of the calls Defendant Gleeson & Associates, LLC placed to my Cellular Telephone were placed using an artificial or prerecorded voice.
  - 18. I incur a monthly expense for my Cellular Telephone service.
- 19. Defendant Gleeson & Associates, LLC's actions have harmed me by trespassing upon and interfering with my rights and interests in my Cellular Telephone line.
- 20. Defendant Gleeson & Associates, LLC's actions have harmed me by violating my statutory right to not receive false, misrepresentative, or misleading information from Defendant Gleeson & Associates, LLC in an attempt to collect the alleged Debt.

- 21. Defendant Gleeson & Associates, LLC's actions have harmed me by violating my statutory right not to be contacted about a Debt after I expressly revoked consent for Defendant Gleeson & Associates, LLC to place calls to my Cellular Telephone.
- 22. Defendant Gleeson & Associates, LLC's conduct harmed me by wasting my time.
- 23. Defendant Gleeson & Associates, LLC's conduct harmed me by invading my privacy.
- 24. Defendant Gleeson & Associates, LLC's conduct harmed me by being a nuisance and causing me aggravation.
- 25. Defendant Gleeson & Associates, LLC's conduct harmed me by causing me to be embarrassed.
- 26. Defendant Gleeson & Associates, LLC's conduct harmed me by harming my reputation.
- 27. Defendant Gleeson & Associates, LLC's conduct harmed me by causing me stress.
- 28. Defendant Gleeson & Associates, LLC's conduct harmed me by causing me anxiety and emotional distress.
- 29. I have employed Ballstaedt Law Firm and have agreed to pay them reasonable attorneys' fees for their representation. I have also incurred court costs and service of process fees as part of this lawsuit.

I declare under penalty of perjury that the foregoing is true and correct. Executed this June 8, 2021 in Las Vegas, Nevada: Tiffany Markley Tiffany Markley 06/08/2021 Date **CERTIFICATE OF SERVICE** I HEREBY CERTIFY that on this 08 day of June, 2021, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record. /s/ Seth Ballstaedt Seth Ballstaedt, Esq. Nevada Bar No. 11516 PLAINTIFF'S DELARATION IN SUPPORT OF MOTION FOR FINAL DEFAULT JUDGMENT - 5

# **EXHIBIT A**





0867 >

BEING FILED IN: (SAN BERNARDINO COUNTY) PLEASE CALL OUR FIRM AT PHONE NUMBER: (866)

### 602-2187

REFERENCE #: CA-' RESPONSE WILL NOT BE TAKEN AFTER 4PM AT THE LATEST. IMMEDIATE ATTENTION IS REQUIRED. BEWARE THAT FAILURE TO ESTABLISHED CONTACT WILL RESULT IN ANY PROCEEDINGS TAKING PLACE WITHOUT SAID PERSONS PARTICIPATION. IT IS IMPORTANT CONTACT BE ESTABLISHED IMMEDIATELY THANK YOU. OFFICIAL NOTIFICATION DATE: 10/17/2019





Text Message









SATELLITE CORP. OFFICE















Text Message Thu, Oct 17, 11:01 AM

LAST AND FINAL ATTEMPT.
THIS URGENT
MESSEGE IS INTEN
FOR:
TIFFANY MARKLEY
COMPLAINT IN PROCESS OF
BEING FILED IN:
(SAN BERNARDINO COUNTY)
PLEASE CALL OUR FIRM AT
PHONE NUMBER: (866)

## <u>602-2187</u>

REFERENCE #: CA-' 90
RESPONSE WILL NOT BE
TAKEN AFTER 4PM AT THE
LATEST.
IMMEDIATE ATTENTION IS
REQUIRED.
BEWARE THAT FAILURE TO
ESTABLISHED CONTACT WILL
RESULT IN ANY PROCEEDINGS
TAKING PLACE WITHOUT SAID
PERSONS





Text Message

















# **EXHIBIT B**



#### → Document Completion Certificate

Document Reference : 58ad18d6-6a2a-4867-ae03-bdb92db7036e
Document Title : Declaration v. Gleeson & Associates

Document Region : Northern Virginia Sender Name : Michael Ziegler

Sender Email : mike@attorneydebtfighters.com

Total Document Pages : 10

Secondary Security : Not Required

Participants

Tiffany Markley (tiffanyrmarkley@icloud.com)

CC

1. nathalie@attorneydebtfighters.com

#### Document History

| Timestamp              | Description   |
|------------------------|---|
| 06/08/2021 14:51PM EDT | Document sent by Michael Ziegler (mike@attorneydebtfighters.com).   |
| 06/08/2021 14:51PM EDT | Email sent to Tiffany Markley (tiffanyrmarkley@icloud.com).   |
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| 06/08/2021 16:12PM EDT | Document viewed by Tiffany Markley (tiffanyrmarkley@icloud.com). 70.173.218.239  Mozilla/5.0 (iPhone; CPU iPhone OS 14_6 like Mac OS X) AppleWebKit/605.1.15 (KHTML, like Gecko) Version/14.1.1 Mobile/15E148 Safari/604.1  |
| 06/08/2021 16:13PM EDT | Tiffany Markley (tiffanyrmarkley@icloud.com) has agreed to terms of service and to do business electronically with Michael Ziegler (mike@attorneydebtfighters.com). 70.173.218.239  Mozilla/5.0 (iPhone; CPU iPhone OS 14_6 like Mac OS X) AppleWebKit/605.1.15                           |
| 06/08/2021 16:13PM EDT | <pre>(KHTML, like Gecko) Version/14.1.1 Mobile/15E148 Safari/604.1 Signed by Tiffany Markley (tiffanyrmarkley@icloud.com). 70.173.218.239 Mozilla/5.0 (iPhone; CPU iPhone OS 14_6 like Mac OS X) AppleWebKit/605.1.15 (KHTML, like Gecko) Version/14.1.1 Mobile/15E148 Safari/604.1</pre> |
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